

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**

Wednesday, April 19, 2000 - 2:00 p.m. -- Room 405 State Capitol

Members Present:

Rep. Carl R. Saunders, House Chair
Sen. D. Edgar Allen
Sen. Paula F. Julander
Sen. Peter C. Knudson
Sen. Steven L. Poulton
Rep. Trisha S. Beck
Rep. Jackie Biskupski
Rep. Mary Carlson
Rep. Kory M. Holdaway
Rep. Karen W. Morgan
Rep. Jack A. Seitz
Rep. A. Lamont Tyler
Rep. Richard L. Walsh

Members Excused:

Sen. Robert F. Montgomery, Senate Chair
Rep. Margaret Dayton
Rep. Rebecca D. Lockhart
Rep. Jordan Tanner

Staff Present:

Mr. Mark D. Andrews
Research Analyst
Ms. Janetha W. Hancock
Associate General Counsel
Mr. R. Chet Loftis
Associate General Counsel
Ms. L. Kaye Clark
Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of November 17, 1999 Minutes - Chair Saunders called the meeting to order at 2:15 p.m. He announced that Rep. Tanner has joined the committee and that Rep. Holladay has been assigned to another committee.

MOTION: Rep. Holdaway moved to approve the minutes of the November 17, 1999 meeting. The motion passed unanimously. Sen. Poulton was absent for the vote.

2. Review of Committee Duties - Chair Saunders discussed the duties and responsibilities of committee members, and urged them to come prepared to work to benefit the citizens of the state.

3. Review of Legislation Passed During the 2000 Annual General Session - Mr. Mark Andrews reviewed session information from the handouts "Health and Human Services Legislation" and "Child Welfare Legislation in 2000 General Session." He discussed: 1) H.B. 35, "Catastrophic Mental Health Insurance Coverage," requiring an interim study before 2004; 2) H.B. 228, "Health Insurance Provisions - Interim Review," requiring a five-year review of each health insurance mandate; and 3) H.B. 71, "Implementation and Audit of Best Practices in New Programs and Agencies," requiring the legislative auditor to evaluate all new state programs.

4. Implementation of Tobacco Settlement Legislation - Mr. Chet Loftis reviewed information from the handout "Distribution of Tobacco Settlement Funds" and highlighted that 50 percent of the settlement funds will be used for on-going programs and the other 50 percent will be retained in an endowment.

Mr. Doug Springmeyer, Department of Health (DOH), informed the committee that the state has filed a motion requesting the release of the settlement money being held by the court in connection with the dispute over attorneys fees.

Dr. Scott Williams, Deputy Director, DOH, outlined the process DOH will be using to determine funding priorities for tobacco prevention monies. (See handouts "Utah Department of Health Plan for Use of Tobacco Funds" and "Tobacco Prevention Advisory Committee.")

Ms. Robin Arnold-Williams, Executive Director, Department of Human Services (DHS), explained the issues facing DOH and the Department of Corrections in using tobacco settlement monies to expand the drug court program and starting the drug board program. She also noted that H.B. 281, "Drug Courts and Drug Board Pilot Project," creates standards for implementation and evaluation of statewide drug courts and the Drug Board Hearing Pilot Project in Davis and Weber Counties.

Ms. Kim Wirthlin, University of Utah Health Services Center, reported that the \$4 million in tobacco settlement funds appropriated by the legislature will eventually be used to combat cancer, heart disease, stroke, lung disease, substance abuse, and addiction. She said the initial focus will be cancer research at the Huntsman Cancer Institute, and substance abuse and addiction through the Addiction Research and Education Center.

5. U.S. Supreme Court Ruling Striking Down Federal Food and Drug Administration (FDA) Regulation of Tobacco - Mr. Loftis reported to the committee that the recent U.S. Supreme Court ruling striking down the authority of the FDA to regulate tobacco does not appear to create a gap in the laws currently relied on in state enforcement and control programs, with the exception of requiring photo identification for buyers under 26. (See handout "Tobacco Enforcement Laws After FDA v. Brown and Williamson.")

Ms. Rebecca Giles, Manager of Tobacco Prevention, DOH, reviewed information in the handout "State Efforts to Reduce Youth Access to Tobacco Products: Compliance Checks." According to the handout, the state stands to lose \$295,000 in federal funds for tobacco enforcement as a result of the Court's ruling.

6. Potential Interim Study Topics - Mr. Andrews highlighted possible study items included in the handouts "Master Study Resolution"; "Potential Interim Study Topics - Background Information"; "Reports to the Health and Human Services Interim Committee, 2000"; and "Health and Human Services Legislation."

Chair Saunders reminded the committee that unless a request is made for an oral presentation, all reports will be distributed to the committee in written form.

MOTION: Sen. Julander moved that Report #10, Children's Health Insurance Program-Health Department Report, and Report #29, Children's Health Insurance Program-Governor's Office of Planning and Budget Report, be presented orally to the committee and that the reports be presented at the same committee meeting. The motion passed unanimously. Sen. Poulton and Rep. Seitz were absent for the vote.

MOTION: Rep. Beck moved that the committee receive an oral presentation of Report #1, Persons With a Disability-Work Incentives. The motion passed unanimously. Sen. Poulton and Rep. Seitz were absent for the vote.

MOTION: Rep. Holdaway moved that the committee receive an oral presentation of Report #24, Health Policy Commission-Annual Report, and Report #30, Health Policy Commission-Comprehensive Report. The motion passed unanimously. Sen. Poulton and Rep. Seitz were absent for the vote.

Rep. Carlson requested that the committee study Health Insurance Pool (HIP) issues. Rep. Beck requested that the committee also study state open enrollment laws designed to assist persons with medical conditions in obtaining health insurance.

Chair Saunders asked the committee to turn in their prioritized interim study item recommendations.

7. Coverage of Obesity Drugs by Medicaid - Mr. Michael Deily, Division of Health Care Financing, DOH, distributed a letter from Mr. Rod Betit, Executive Director, DOH, in response to a request from the 1999 Health and Human Services Interim Committee that the department investigate extending Medicaid coverage to certain prescription drugs used to treat obesity. He reported that, given the significant cost the Medicaid program would incur by adding coverage for those weight loss drugs and the lack of demonstratable cost savings or evidence that the use of those drugs results in a decrease in morbidity, the Department recommends that Medicaid not add this coverage at this time. Mr. Deily and Mr. Duane Park, DOH, responded to questions.

8. Other Business - No other business was discussed.

9. Adjourn -

MOTION: Rep. Biskupski moved to adjourn the meeting at 4:05 p.m. The motion passed unanimously.

